

Europäisches Wirtschaftsrecht

Katrin Silja Kurz

Innovation Competition

The novel theory of harm in the Dow/DuPont merger and its application in the scope of Article 101 and 102 TFEU

Nomos | C.H. Beck

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Dedicated to Sven Rissmann

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List of Abbreviations and Acronyms

Legislation, legislative materials and decisions

AEUV	Vertrag über die Arbeitsweise der Europäischen Union = TFEU
Annex 4	Case M.7932, <i>Dow/DuPont</i> , Annex 4 to the Commission Decision, Implications of the economic theory on mergers, competition and innovation in light of the features of the Transaction.
Annex 7	Case M.7932, <i>Dow/DuPont</i> , Annex 7 to the Commission Decision, Commitments to the European Commission.
ARC	German Act against Restraints of Competition (GWB), 26.6.2013, BGBl. I p. 1750, 3245.
AstraZeneca/Novartis Decision	European Commission, Decision of 26.07.2000, OJ L 110, 16.04.2004, p. 1-72, Case No COMP/M.1806, <i>AstraZeneca/Novartis</i> .
Bayer/Aventis Decision	European Commission, Decision of 17.04.2002, C(2002) 1462 final, OJ L 107, 15.04.2004, p. 1-136, Case No COMP/M.2547, <i>Bayer/Aventis Crop Science</i> .
Ciba-Geigy/Sandoz Decision	European Commission, Decision of 17.07.1996, OJ L 201, 29.07.1997, p. 1-47, Case No IV/M.737, <i>Ciba-Geigy/Sandoz</i> .
CFR	Charter of Fundamental Rights of the European Union, OJ C 326, 26.10.2012, p. 391-407.
Deutsche Börse/NYSE Euronext Decision	European Commission, Decision of 01.02.2012, C(2012) 440 final, OJ C 254, 05.08.2014, p. 8-18, Case No COMP/M.6166, <i>Deutsche Börse/NYSE Euronext</i> .
Dow/DuPont Decision	Commission Decision of 27.3.2017, C(2017) 1946 final, OJ C 353, 20.10.2017, p. 9-19, Case M.7932, <i>Dow/DuPont</i> .
ECHR	Council of Europe, European Convention for the protection of Human Rights and Fundamental Freedoms, as amended by Protocols No 11 and 14, 4.11.1950.

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EC Merger Regulation	Council Regulation (EC) No 139/2004 of 20 January 2004 on the control of concentrations between undertakings, OJ L 24, 29.1.2004, p. 1-22.
EC Treaty	Treaty establishing the European Community, OJ C 325, 24.12.2002, p. 33-184, or previous versions, respectively.
EGV	Vertrag zur Gründung der Europäischen Gemeinschaft = EC Treaty
EUV	Vertrag über die Europäische Union = TEU
EKVO	EU-Fusionskontrollverordnung = EC Merger Regulation
FuE-GVO	Gruppenfreistellungsverordnung für Forschungs- und Entwicklungsvereinbarungen = R&D BER
GC, Deutsche Börse	General Court, Judgment of 09.03.2015, Case T-175/12, ECLI:EU:T:2015:148, <i>Deutsche Börse/Commission</i> .
GE/Alstom Decision	European Commission, Decision of 08.09.2015, C(2015) 6179 final, OJ C 139, 04.05.2017, p. 6-13, Case No M.7278, <i>General Electric/Alstom (Thermal Power – Renewable Power & Grid Business)</i> .
Glaxo/Wellcome Decision	European Commission, Decision of 28.02.1995, OJ C 65, 16.03.1995, p. 3, Case No IV/M.555, <i>Glaxo/Wellcome</i> .
Glaxo Wellcome/SK Beecham Decision	European Commission, Decision of 08.05.2000, Case No COMP/M.1846, <i>Glaxo Wellcome/SmithKline Beecham</i> .
GRC	Charta der Grundrechte der Europäischen Union = CFR
Horizontal Cooperation Guidelines	Communication from the Commission - Guidelines on the applicability of Article 101 of the Treaty on the Functioning of the European Union to horizontal co-operation agreements, OJ C 11, 14.1.2011, p. 1-72.
Horizontal Merger Guidelines	Guidelines on the assessment of horizontal mergers under the Council Regulation on the control of concentrations between undertakings, OJ C 31, 5.2.2004, p. 5-18.
Market Definition Notice	Commission notice on the definition of the relevant market for the purposes of Community competition law, OJ C 372, 9.12.1997, p. 5-13.

List of Abbreviations and Acronyms

Non-Horizontal Merger Guidelines	Guidelines on the assessment of non-horizontal mergers under the Council Regulation on the control of concentrations between undertakings, OJ C 265, 18.10.2008, p. 6-25.
Novartis/GSK Decision	European Commission, Decision of 28.01.2015, C(2015) 538 final, OJ C 95, 21.03.2015, p. 14, Case No COMP/M.7275, <i>Novartis/GlaxoSmithKline Oncology Business</i> .
Priority Guidance	Communication from the Commission – Guidance on the Commission’s enforcement priorities in applying Article 82 of the EC Treaty to abusive exclusionary conduct by dominant undertakings, OJ C 45, 24.2.2009, p. 7-20.
Protocol No (27)	Protocol No (27) to the Treaty on European Union and the Treaty on the Functioning of the European Union, OJ 115, 09.05.2008, p. 309.
R&D BER	Commission Regulation (EU) No 1217/2010 of 14 December 2010 on the application of Article 101 (3) of the Treaty on the Functioning of the European Union to certain categories of research and development agreements, OJ L 335, 18.12.2010, p. 36-42.
Regulation 1/2003	Council Regulation (EC) No 1/2003 of 16.12.2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty, OJ L 1, 4.1.2003, p. 1-25.
Remedies Notice	Commission’s Notice on Remedies acceptable under Council Regulation (EC) No 139/2004 and under Commission Regulation (EC) No 802/2004, OJ C 267, 22.10.2008, p. 1-27.
Stellungnahme 9. GWB-Novelle	<i>Podszun, Rupprecht</i> , Deutscher Bundestag, Ausschussdrucksache 18(9)1092, 19.01.2017, Stellungnahme als Sachverständiger im Wirtschaftsausschuss des Deutschen Bundestages zur Vorbereitung der Anhörung am 23.01.2017, Die 9. Novelle des Gesetzes gegen Wettbewerbsbeschränkungen (GWB).
Syngenta/Monsanto Decision	European Commission, Decision of 17.11.2010, C(2010) 7929 final, Case No COMP/M.5675, <i>Syngenta/Monsanto’s Sunflower Seed Business</i> .

List of Abbreviations and Acronyms

Technology Transfer BER	Commission Regulation (EU) No 316/2014 of 21.03.2014 on the application of Article 101 (3) of the Treaty on the Functioning of the European Union to categories of technology transfer agreements, OJ L 93, 28.3.2014, p. 17-23.
Technology Transfer Guidelines	Communication from the Commission - Guidelines on the application of Article 101 of the Treaty on the Functioning of the European Union to technology transfer agreements, OJ C 89, 28.3.2014, p. 3-50.
TEU	Treaty on European Union, OJ C 326, 26.10.2012, p. 13-390.
TFEU	Treaty on the Functioning of the European Union, OJ C 326, 26.10.2021, p. 47-390.
U.S. Horizontal Merger Guidelines	DOJ and FTC, Horizontal Merger Guidelines, 19 August 2010.
U.S. Intellectual Property Guidelines	DOJ and FTC, Antitrust Guidelines for the Licensing of Intellectual Property, 12 January 2017.
U.S. JV Guidelines	DOJ and FTC, Antitrust Guidelines for Collaborations among Competitors, 7 April 2000.

List of Abbreviations and Acronyms

Other abbreviations

Abs.	Absatz = Section
AI	Active ingredient
Art.	Article
BGBI.	Bundesgesetzblatt = Federal Law Gazette
BT-Drs.	Deutscher Bundestag Drucksache = German Parliament Document
Cf.	Compare with
CFI	Court of First Instance of the European Union (since 01.12.2009: General Court of the European Union)
Commission	European Commission
DJ COMP	Directorate-General for Competition
DOJ	U.S. Department of Justice
ECJ	European Court of Justice
Et al.	And others
Et seq	And following
EU	European Union
FCO	German Federal Cartel Office
Fn.	Footnote
FS	Festschrift = Commemorative publication
FTC	Federal Trade Commission
GC	General Court of the European Union (former Court of First Instance)
No	Number
OJ	Official Journal
P.	Page(s)
Para	Paragraph
R&D	Research and development
VO	Verordnung = Regulation

